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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,903	09/29/2006	Hiroto Inoue	US01-06068PCT	8305
21254 7590 01/06/2010 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
EXAMINER				
OLSEN, LIN B				
ART UNIT		PAPER NUMBER		
3661				
MAIL DATE		DELIVERY MODE		
01/06/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/594,903

**Applicant(s)**

INOUE ET AL.

**Examiner**

LIN B. OLSEN

**Art Unit**

3661

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-5,8 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,4,5,8,11,12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) 3 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on December 7, 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Drawings***

The drawings are objected to because in Fig. 5 the annotation for step S31, the Examiner suggests that "STRAGE" should be "STORAGE". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If

the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

The disclosure is objected to because of the following informalities:

In the paragraph on page 9, last line of the paragraph, "next guild point" should be "next guide point";

On the 3<sup>rd</sup> line of page 13, the Examiner suggests that "If a next guide point" should be substituted for "If the next guide point"; and

On page 16, on the fifth line of the paragraph that starts on this page, the Examiner suggests "clarity" should replace "clarify".

Appropriate correction is required.

***Claim Objections***

Claim 1 is objected to because of the following informalities:

On page 3 of the claims, on the penultimate line, "said received" is an incomplete phrase. The Examiner suggests that it should read "said received image".

In the same line "said judgment means" should read "said image judgment means".

In claim 12, at page 6, line 4 of the claim "judgment" is misspelled.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said display means" in page 2 line 17. There is insufficient antecedent basis for this limitation in the claim; however "a display device" is present in line 14 of the claim.

On page 3 line 2, claim 1 recites "the image in front of the vehicle" There is no antecedent basis for this limitation as an image in front of the vehicle is introduced in claim 5.

***Claim Rejections - 35 USC § 112 2nd Paragraph based on claims invoking***

***35 § 112 6<sup>th</sup> Paragraph***

Claims 1, 4-5, 8, 11-12 and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following claim elements are means-plus-function limitations that invoke 35 USC 112, sixth paragraph:

- The "storage means" in claims 1, 8, 11, 12, 14 and 16.
- The "distance detection means" in claims 1, 4 and 5.
- The "image request generation means" in claim 1.
- The "transmission means" in claims 1 and 14.

- The “display control means” in claims 1 and 5.
- The “receive means” in claim 1.
- The “image judgment means” in claim 1.
- The “means for storing the data of image received” in claim 1.
- The “identification degree setting means” in claims 1 and 11.
- The “target object judgment means” in claims 1, 8, 11 and 12.
- The “means for storing data of said image in said storage means if said target object judgment means determines that the target object at the guide point has changed” in claim 1.
- The “route setting means in claim 4.
- The “identification degree judgment means” in claim 8.
- The “means for storing data” in claims 8 and 11.
- The “receiving means” in claims 11 and 15.
- The “identification degree determination means” in claim 12.
- The “means for storing data of said received image in said storage means together with the identification degree of the guide point” in claims 12 and 16.

The written description only implicitly or inherently sets forth the corresponding structure, material, or acts that perform the claimed function and therefore claims 1, 4, 5, 8, 11, 12, and 14 - 16 are rejected under 35 USC 112 2<sup>nd</sup> paragraph as not distinctly claiming the subject matter of the invention.

Pursuant to 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181, applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it expressly recites the corresponding structure, material, or acts that perform the claimed function and clearly links or associates the structure, material, or acts to the claimed function, without introducing any new matter (35 U.S.C. 132(a)); or

(c) State on the record what the corresponding structure, material, or acts, which are implicitly or inherently set forth in the written description of the specification, perform the claimed function.

***Allowable Subject Matter***

Claims **1 and 11** would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims **4-5, 8, 12, and 14-16** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims **3 and 13** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The related prior art listed on the attached form PTO-892 show many parts of

the claimed invention individually but do not separately or collectively teach or suggest that in a routing guide system that displays an image of the forward view at predetermined guide points while traveling on a road with a mobile body. That the images stored and/or captured by a camera have an identification degree of the guide point assigned to each image and that a target object judgment unit apply a matching process between existing guiding point images stored in a storage means and guiding point images received from the camera to determine whether identifying features termed target objects have changed and further that if the target object has changed, the received image replace the existing image in the storage device.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is listed on the attached PTO-892 form. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN B. OLSEN whose telephone number is (571)272-9754. The examiner can normally be reached on Mon - Fri, 8:30 -5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin B Olsen/  
Examiner, Art Unit 3661

/Thomas G. Black/

Supervisory Patent Examiner, Art Unit 3661